

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

LEK SECURITIES CORPORATION,
SAMUEL LEK, VALI MANAGEMENT
PARTNERS dba AVALON FA LTD,
NATHAN FAYYER, and SERGEY
PUSTELNIK,

Defendants.

Case No. 17-CV-1789(DLC)

**DECLARATION OF DAVID J.
GOTTESMAN IN SUPPORT OF
PLAINTIFF SEC'S *DAUBERT*
MOTION TO EXCLUDE THE
TESTIMONY AND OPINIONS
OF
ROGER S. BEGELMAN**

I, David J. Gottesman, declare as follows:

1. I am admitted *pro hac vice* as counsel for plaintiff Securities and Exchange Commission (the "SEC") in this action.
2. I have personal knowledge of the facts presented in this declaration based upon my review of documents relevant to this litigation. I respectfully submit this declaration in support of the SEC's *Daubert* Motion to Exclude the Testimony and Opinions of Roger S. Begelman.
3. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert Report of Roger S. Begelman, dated March 16, 2018, which was previously marked as SEC Deposition Exhibit 695.
4. Attached hereto as **Exhibit 2** is a true and correct copy of relevant excerpts from the deposition of Andrew Shapiro, which was held on January 31, 2018.

5. Attached hereto as **Exhibit 3** is a true and correct copy of relevant excerpts from the deposition of Roger S. Begelman, which was held on August 21, 2018.

6. Attached hereto as **Exhibit 4** is a true and correct copy of relevant excerpts from the deposition of Nicolas Louis, which was held on March 9, 2018.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the relevant excerpts from the deposition of Samuel Lek, which was held on February 27, 2018.

8. Attached hereto as **Exhibit 6** is a true and correct copy of a document previously marked as SEC Deposition Exhibit 59.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the Declaration of Erin Smith, dated October 4, 2018.

10. Attached hereto as **Exhibit 8** is a true and correct copy of a document previously marked as SEC Deposition Exhibit 608.

11. Attached hereto as **Exhibit 9** is a true and correct copy of documents previously marked as SEC Deposition Exhibits 631-648.

12. Attached hereto as **Exhibit 10** is a true and correct copy of a document previously marked as SEC Deposition Exhibit 610.

13. Attached hereto as **Exhibit 11** is a true and correct copy of a document previously marked as SEC Deposition Exhibit 667.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: October 5, 2018.

/s/ David J. Gottesman

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2018, a true and correct copy of the above document was served on all counsel of record by filing this document using the CM/ECF system.

_____/s/ David J. Gottesman